



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 29, 2018
MAHS Docket No.: 17-016266
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 25, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker, and a witness from the Office of Child Support (OCS), [REDACTED], Lead Worker.

ISSUE

Did the Department properly disqualify Petitioner from receipt of Food Assistance Program (FAP) benefits based upon noncooperation with the OCS?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 22, 2010, OCS issued a First Customer Contact Letter to Petitioner requesting information about a non-custodial parent.
2. On September 19, 2011, OCS issued a Final Customer Contact Letter to Petitioner requesting information about the same non-custodial parent.
3. On May 1, 2012, OCS issued a Noncooperation Notice to Petitioner for failure to respond to the 2010 and 2011 letters and failing to provide information about the non-custodial parent.

4. On August 3, 2012, Petitioner met with OCS but provided limited information about the non-custodial parent to OCS.
5. Petitioner's household receives FAP benefits, but due to a finding of noncooperation with the OCS, Petitioner is a disqualified group member.
6. On December 8, 2017, Petitioner filed her request for hearing disputing the Department's decision to disqualify her from the FAP group based upon the finding of noncooperation with OCS.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, the Department disqualified Respondent from the receipt of FAP benefits based upon noncooperation with the OCS.

Custodial parents of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (January 2017), p. 1. Absent parents are required to support their children. BEM 255, p. 1. Support includes **all** of the following: child support, medical support, and payment for medical care from any third party. BEM 255, p. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP eligibility. BEM 255, pp. 9. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p 9. At application, the client has 10 days to cooperate with the OCS. BEM 255, p. 12. The Department will inform the client to contact OCS in the Verification Checklist (VCL). BEM 255, p. 12. If a client fails to cooperate on or before the VCL due date as required, a disqualification will be imposed. BEM 255, p. 12. For ongoing or active FAP cases, a failure to cooperate without good cause will result in member disqualification of the individual who failed to cooperate. BEM 255, p. 14. A disqualification will continue until the client cooperates even if a new application is filed

or a redetermination is completed. BEM 255, p. 14. A disqualified member can be returned to the FAP group the month after cooperation or after serving the one-month disqualification, whichever is later. BEM 255, p. 15.

As of the date of the hearing, Petitioner had supplied the Department with the name of [REDACTED] as the potential father, that he lived in Ohio, and that she met him at a bar but had never gone back to the bar. She also told the OCS that there was no domestic violence and that the sex occurred in a hotel room paid for with cash. Finally, she told the Department that her son's hyphenated name was because she named him after an uncle.

At the hearing, Petitioner elaborated further on the circumstances of meeting the non-custodial parent and indicated that the bar in question was called [REDACTED] a strip club, where she had worked for three years.

After a review of the evidence, Petitioner's testimony is either not credible or she was non-cooperative with the OCS. During a discussion with the OCS, Petitioner indicated she had never gone back to the bar where she met the non-custodial parent, yet at the hearing, Petitioner stated that she had worked at this facility for three years. The Department could properly conclude based upon all of this evidence that Petitioner had not provided all known information to the OCS.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it disqualified Petitioner from the FAP group due to noncooperation with the OCS.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



AM/

Amanda M. T. Marler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party

requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]
[REDACTED]

Department Representative

[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
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